



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Handwritten signature/initials

Ref: EPR-SR

SEP 24 2010

The Honorable Max Baucus
United States Senator
8 Third Street East
Kalispell, MT 59901

Dear Senator Baucus:

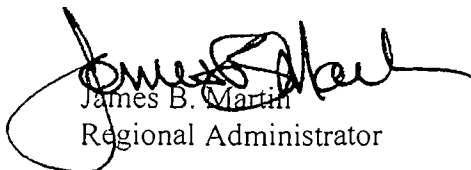
Thank you for your letter of August 30, 2010, regarding Mr. D.C. Orr's concerns with EPA's actions at Operable Unit 1 (OUI) of the Libby Asbestos Superfund Site. I appreciate this opportunity to provide the following information in response to Mr. Orr's concerns.

- EPA does not view the May, 2005 letter signed by former EPA Libby Project Manager Jim Christiansen as inconsistent with the OUI Record of Decision. The letter suggests that waste may remain in place, and institutional controls will likely be required to prevent recontamination of the Site. Institutional controls are a primary component of the remedy selected in the Record of Decision (ROD) for OUI. As soon as EPA is able to come to an agreement with the City regarding implementation of the remedial action on OUI, work will begin.
- EPA has determined that there is not an unacceptable risk of exposure to casual users of the park. Casual uses are those uses of the park that do not disturb soil at any depth. Examples of casual use include family gatherings, picnics, weddings and concerts. Please note that use of the park by maintenance workers is not considered a casual use.
- EPA has notified City of Libby officials of the locations in the park where visible vermiculite is present. As a conservative measure, EPA also has delineated certain areas of the site where visible vermiculite may be present with temporary fencing to discourage use of those areas.
- In one instance, cover material was placed over an area within OUI where trace levels of Libby Amphibole (LA) were detected in the surface soil. This area will be addressed in the remedial action for OUI, which will take place as soon as the City and EPA reach agreement on implementation.
- For risks to volunteers at the David Thompson Search and Rescue facility, the ROD states the following: "Estimated excess cancer risks to volunteers who work indoors at the David Thompson Search and Rescue facility are below or within EPA's target risk range. Based on this, exposure to indoor air, taken alone, is likely to be of low concern."

- Mr. Orr has previously raised the issue to EPA of compensation to the City of Libby for structures at the former Export Plant Property at OUI that were demolished as part of cleanup activities performed under order by WR Grace. In a letter dated September 3, 2009, EPA provided the City of Libby with its position concerning structures and other improvements at the former Export Plant property. In another letter to the City dated September 22, 2010, EPA again summarized its position and provided the City with a searchable index of documents in EPA's site file concerning the Libby cleanup. If the City believes that unresolved issues concerning disposition of the structures and other improvements on the former Export Plant property remain, EPA will consider any new relevant information. I am enclosing copies of both of the abovementioned letters for your information.

We appreciate your continued interest in EPA's clean-up actions in Libby, and I hope this information will be useful in your response to Mr. Orr. If you or your staff have further questions regarding EPA's cleanup in Libby, you may contact me or your staff may wish to contact Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,


James B. Martin
Regional Administrator

Enclosures

